IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	James T. BODNER et al.	§	Confirmation No.:	9916
Serial No.:	09/964,307	§	Group Art Unit:	2142
Filed:	09/26/2001	§	Examiner:	Benjamin A. Ailes
For:	Reduction Of Configuration Time Upon Deployment Of A Configurable Device In A Shared Resource Environment	§	Docket No.:	200302220-1

SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: January 11, 2008

Sir:

In response to the Notice of Non-Compliant Appeal Brief dated December 12, 2007, Appellants hereby submit this Supplemental Appeal Brief in connection with the above-identified application. A Notice of Appeal was filed via facsimile on August 6, 2007.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

The real party in interest is the Hewlett-Packard Development Company (HPDC), a Texas Limited Partnership, having its principal place of business in Houston, Texas. HPDC is a wholly owned affiliate of Hewlett-Packard Company (HPC). HPC merged with Compaq Computer Corporation (CCC) which owned Compaq Information Technologies Group, L.P. (CITG). The Assignment from the inventors to CITG was recorded on September 26, 2001, at Reel/Frame 012207/0714. The Change of Name document was recorded on May 12, 2004, at Reel/Frame 014628/0103.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals or interferences.

III. STATUS OF THE CLAIMS

Originally filed claims:	1-23.
Claim cancellations:	2-4, 8-10, 15-17 and 21-23.
Added claims:	None.
Presently pending claims:	1, 5-7, 11-14 and 18-20.
Presently appealed claims:	1, 5-7, 11-14 and 18-20.

IV. STATUS OF THE AMENDMENTS

The claims were amended after the final Office action dated June 6, 2007. Specifically, in an Amendment filed concurrently herewith, Appellants canceled the previously withdrawn claim 23.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

In some installations (e.g., a data center), numerous servers and other types of computing systems are deployed. Such equipment typically is configured in order to become operational. Page 2, lines 1-14 of para. [0005]. Manually configuring a handful of such devices is an acceptable burden on personnel, but many installations today have so many servers and other configurable devices that manual configuration has become virtually intolerable. Page 2, line 1 of para. [0006] through page 3, last line of para. [0006]. Appellants' contribution addresses this problem.

According to the invention of claim 1, an automatic method of configuring a server in a system including a plurality of servers (e.g., Fig. 4, 30, page 5, lines 1-3 of para. [0018]) comprises requesting configuration data by the server to be configured (e.g., page 11, lines 1-7 of para. [0031], lines 1-3 of para. [0032] and, without human intervention, identifying from among a plurality of servers, which server includes configuration data suitable for use by the server to be configured servers (e.g., Fig. 4, 30, page 10, lines 1-9 of para. [0029]). Each of the plurality of servers has configuration data that can be used to configure another server. The method further comprises automatically retrieving the suitable configuration data from the identified server and providing the retrieved configuration data to the server to be configured (e.g., page 12, lines 1-5 of para. [0033], page 13, lines 1-14 of para. [0036]).

According to the invention of claim 7, a computer system (e.g., Fig. 1, 100) comprises a first plurality of servers (e.g., Figs. 1 and 4, 30) and a first chassis communication module (e.g., Fig. 1, 80) coupled to the first plurality of servers (e.g., page 5, lines 1-3 of para. [0018], page 6, lines 1-3 of para. [0019]). At least one of said plurality of servers can be configured automatically once installed into said system (page 12. lines 1-5 of para. [0033], page 13, lines 1-14 of para. [0036]). The installed server configures itself by submitting a request for configuration data to the first chassis communication module which identifies, from among a plurality of other servers, which server includes configuration data suitable for use by the installed server (e.g., page 11, lines 1-7 of para. [0031],

lines 1-3 of para. [0032]). Each of the plurality of other servers has configuration data that can be used to configure the installed server (page 12, lines 1-5 of para. [0033]).

According to the invention of claim 14, an electronic system (e.g., Fig. 1, 100) comprises a first plurality of configurable devices (e.g., Figs. 1 and 4, 30) and a first chassis communication module (e.g., Fig. 1, 80) coupled to the first plurality of configurable devices (e.g., page 5, lines 1-3 of para. [0018], page 6, lines 1-3 of para. [0019]). At least one of the plurality of configurable devices can be configured automatically once installed into the system (page 12. lines 1-5 of para. [0033], page 13, lines 1-14 of para. [0036]). The installed configurable device configures itself by submitting a request for configuration data to the first chassis communication module which identifies, from among a plurality of other configurable devices, which configurable device includes configuration data suitable for use by the installed configurable device. Each of the plurality of other configurable devices has configuration data that can be used to configure the installed configurable device (e.g., page 11, lines 1-7 of para. [0031], lines 1-3 of para. [0032], page 12, lines 1-5 of para. [0033]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 5-7, 11-14, and 18-20 are obvious over Suorsa (U.S. Pat. Pub. No. 2004/0226010) in view of Baker (U.S. Pat. No. 7,080,138).

VII. ARGUMENT

A. Overview of Suorsa

Suorsa discloses a central provisioning network 31. Each newly installed device, such as Devices 1, 2, 3, ...N shown in Figure 7, includes an agent 36 that requests configuration data from the central provisioning network 31. The provisioning network 31 includes a central file system 34 that contains various software components. The provisioning network 31 also includes a database 32 that can be accessed by the agent in the device to be configured to determine how that device should be configured. The database 32 identifies the addresses of the various software components in the file system 34 to be used to configure the device. In sum, Suorsa discloses a **centralized** provisioning network that stores all configuration data. From the database of selectable configuration files, a package of files can be provided to a server requesting such configuration. See paras. [0048] and [0050]. Thus, Suorsa's centralized configuration database can be used to configure different servers in different ways. Each configurable device accesses the centrally stored configuration data to obtain configuration data appropriate to that device.

B. Overview of Baker

Baker is directed to a content server selection technique. In Baker, a client requests an item of content that is present on multiple content servers. Fig. 1. Baker describes a technique for selecting one of the content servers to provide the requested content to the client. The selected content server is the content server that first successfully transmits the response to the client. Col. 2, l. 6 through col. 3, l. 2. In sum, Baker discloses a **distributed** content network in which the desired content is available on multiple different content servers.

Comparing Baker to Suorsa, whereas in Suorsa the target information (configuration data) is provided in one centralized location, in Baker, the target information (content) is distributed in multiple locations. Thus, Suorsa is a centralized network while Baker is a distributed network.

C. The claims

Claim 1 requires "without human intervention, identifying from among a plurality of servers, which server includes configuration data suitable for use by the server to be configured, wherein each of the plurality of servers has configuration data that can be used to configure another server." The Examiner concluded that this limitation is not taught or suggested by Suorsa and, instead, uses Baker for this limitation. Applicants respectfully submit that the Examiner erred in his analysis.

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP § 2143.01(III) (emphasis in original). Further, if the "proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 2143.01(V). Further still, if the "proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP § 2143.01(VI).

Centralized networks and decentralized networks are mutually exclusive. As explained above, Suorsa teaches that the configuration information needed by each (i.e., all) of the devices is to be stored at one location. A hypothetical modification of Suorsa to provide the configuration at multiple locations (as is required by claim 1) defeats the principle of operation of Suorsa's system. There is no suggestion in the art of the desirability of modifying a centralized configuration system (as in Suorsa) with a decentralized system (as in Baker) in which configuration data is replicated and stored on different servers. In Baker, the problem solved was how to select a content server to provide desired content to a client when the desired content is already present on multiple content servers. This problem does not arise in Suorsa because the desired configuration data is only present at one location. The Examiner's proposed modification to Suorsa's centralized network architecture using Baker's

decentralized content provider architecture would render Suorsa unsatisfactory for its intended purpose (i.e., configuring devices from a centralized server) and thus is impermissible per MPEP § 2143.01(V). Further, modifying the centralized nature of Suorsa per the decentralized teachings of Baker would impermissibly change the principle of operation of Suorsa (centralized configuration). MPEP § 2143.01(VI).

Even if Suorsa and Baker were legally permitted to be combined (which Appellants respectfully submit is not the case), the resulting hypothetical system would have multiple copies of Suorsa's configuration database stored at various locations in the network. Each configuration database instance would include all of the configuration files that, in various combinations, would be needed to configure all possible devices in Suorsa. This resulting system would be much more complex than the teachings of Suorsa and thus not likely a system that one of ordinary skill in the art would have sought.

For at least these reasons, the Examiner erred in rejecting claim 1 and its dependent claims. Independent claims 7 and 14 contain the same or similar limitation as that of claim 1 which was argued above. Thus, Appellants respectfully submit that the Examiner also erred in rejecting claims 7 and 14 and dependent claims for much the same reason as for claim 1.

D. Conclusion

For the reasons stated above, Appellants respectfully submit that the Examiner erred in rejecting all pending claims and that the Board should reverse the rejections. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for

net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/Jonathan M. Harris/

Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPELLANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400

VIII. CLAIMS APPENDIX

1. (Previously presented) An automatic method of configuring a server in a system including a plurality of servers, comprising:

(a) requesting configuration data by the server to be configured;

(b) without human intervention, identifying from among a plurality of servers, which server includes configuration data suitable for use by the server to be configured, wherein each of the plurality of servers has configuration data that can be used to configure another server;

(c) automatically retrieving the suitable configuration data from said identified server; and

(d) providing the retrieved configuration data to the server to be configured.

2.-4. (Canceled).

5. (Original) The method of claim 1 wherein (a) includes providing a server type value with said request for configuration data.

6. (Previously presented) The method of claim 5 further including using said server type value to identify which of said other servers includes configuration data suitable for use by the server being configured.

7. (Previously presented) A computer system, comprising:

a first plurality of servers; and

a first chassis communication module coupled to said first plurality of servers;

wherein at least one of said plurality of servers can be configured automatically once installed into said system, said installed server configuring itself by submitting a request for configuration data to said first chassis communication module which identifies, from among a plurality of other servers, which server includes

configuration data suitable for use by the installed server, wherein each of the plurality of other servers has configuration data that can be used to configure the installed server.

8.-10. (Canceled).

11. (Previously presented) The computer system of claim 7 further including:

a second chassis communication module coupled to said first chassis communication module; and

a second plurality of servers coupled to said second chassis communication module;

wherein said configuration data provided to said installed server was stored in memory on one of said second plurality of servers.

12. (Previously presented) The computer system of claim 7 wherein said request includes the type of server to be configured and said first chassis communication module uses said type of server to retrieve configuration data suitable for the installed server.

13. (Previously presented) The computer system of claim 12 wherein said first chassis communication module finds another of said first plurality of servers that is of the same type as the installed server and retrieves said configuration data corresponding to such matching other server.

14. (Previously presented) An electronic system, comprising:

a first plurality of configurable devices; and

a first chassis communication module coupled to said first plurality of configurable devices;

wherein at least one of said plurality of configurable devices can be configured automatically once installed into said system, said installed configurable device configuring itself by submitting a

request for configuration data to said first chassis communication module which identifies, from among a plurality of other configurable devices, which configurable device includes configuration data suitable for use by the installed configurable device, wherein each of the plurality of other configurable devices has configuration data that can be used to configure the installed configurable device.

15.-17. (Canceled).

18. (Previously presented) The electronic system of claim 14 further including:

a second chassis communication module coupled to said first chassis communication module; and

a second plurality of configurable devices coupled to said second chassis communication module;

wherein said configuration data provided to said installed configurable device was stored in memory on one of said second plurality of configurable devices.

19. (Previously presented) The electronic system of claim 14 wherein said request includes the type of configurable device to be configured and said first chassis communication module uses said type to retrieve configuration data suitable for the installed configurable device.

20. (Previously presented) The electronic system of claim 19 wherein said first chassis communication module finds another of said first plurality of configurable devices that is of the same type as the installed configurable device and retrieves said configuration data corresponding to such matching other configurable device.

21.-23. (Canceled).

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.